

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA

v.

AKSHAY RAM KANCHARLA,

Defendant.

Case No. 1:22-mj-26

SECOND CONSENT MOTION TO EXTEND TIME FOR INDICTMENT

The United States of America, by and through its attorneys Jessica D. Aber, United States Attorney for the Eastern District of Virginia, and Bibeane Metsch, Assistant United States Attorney, with the express consent of the defendant Akshay Ram Kancharla, and the defendant's counsel, respectfully moves the Court to extend the time to indict this case through and including June 2, 2022. One prior motion to extend has been filed. In support thereof, the parties state as follows:

1. The defendant was arrested in the Middle District of Florida on February 17, 2022 on a criminal complaint charging him with distribution of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1). The defendant was released on conditions and made his initial appearance in this District on February 28, 2022. Christopher Bryan Amolsch represents the defendant. On March 3, 2022, the defendant was arrested on a pretrial release violation petition and remanded pending resolution of the petition. The defendant waived the time for a preliminary hearing until his arrival to Virginia. He has been awaiting transport to this District from Florida, and the U.S. Marshal's Service estimates that he will arrive between end of April and early May.

2. The Speedy Trial Act requires that the defendant be indicted within thirty days of the defendant's arrest after subtracting all excludable time. *See* 18 U.S.C. §§ 3161 *et seq.* On March 14, 2022, this Court extended the time to indict up to and including April 18, 2022. Dkt. No. 21. The parties jointly request that the deadline for the time to indict be extended by 45 days.

3. The government has provided extensive pre-indictment discovery and made a plea offer. Defense counsel has had phone contact with the defendant and meetings with his family while he has been awaiting his transport to this District. Additional time is needed for the defendant to arrive in this District, to allow counsel to review discovery and review a possible pre-indictment resolution with the defendant in person, and possibly docket a plea if the parties are able to resolve this matter. An extension would be in the interests of justice in that it would give the parties additional time to review the discovery materials and engage in plea discussions.

4. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to file an indictment in this case through and including June 2, 2022. The waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, Title 18, United States Code, Sections 3161, *et seq.*, and with the advice and consent of counsel.

5. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by this waiver.

WHEREFORE, the parties request that the time to indict this case be extended to and including June 2, 2022 and that the delay resulting from this extension be excluded in computing

the time within which an indictment must be filed pursuant to Title 18, United States Code, Section 3161(h).

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: April 11, 2022

By: /s/
Bibeane Metsch
Assistant United States Attorney